

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HECTOR DIAZ, et al.

Plaintiffs,

-against-

MOTIVATE LLC,

Defendant.

Case No. 1:22-cv-05482 (JLR)


ORDER TO SHOW CAUSE

JENNIFER L. ROCHON, United States District Judge:

IT IS HEREBY ORDERED that at the November 15, 2022 initial conference in this action, Plaintiff shall show cause as to why this Court has diversity jurisdiction over this purported class action. The named Plaintiff, Mr. Diaz, is alleged to be a citizen of New York State. ECF No. 1 ¶ 4. Defendant Motivate LLC is alleged to be a “foreign limited liability company organized in Kings County in the State of New York and existing under the laws of Delaware.” *Id.* ¶ 6. Under the Class Action Fairness Act (“CAFA”), “an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.” 28 U.S.C. § 1332(d)(10); *see also Claridge v. N. Am. Power & Gas, LLC*, No. 15-CV-1261 PKC, 2015 WL 5155934, at *1-2 (S.D.N.Y. Sept. 2, 2015) (holding that LLC was citizen of principal place of business and state of incorporation for purposes of diversity under CAFA). The parties shall be prepared to address this law at the conference.

Dated: November 10, 2022
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge